
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEITH FETSURKA;	:	Civil Rights Complaint
TIMOTHY SIECK;	:	42 U.S.C. § 1983
NICOLAS DEFINA;	:	
ANDREW SCOTT; and,	:	
FIREARMS POLICY	:	
COALITION, INC.,	:	
Plaintiffs	:	
	:	
v.	:	Case No. – 2:20-cv-05857
	:	
DANIELLE OUTLAW,	:	
Philadelphia Police Commissioner;	:	
CITY OF PHILADELPHIA,	:	
PENNSYLVANIA; and,	:	
COL. ROBERT EVANCHICK,	:	
Commissioner of Pennsylvania	:	
State Police,	:	
Defendants	:	

MOTION FOR CONTINUANCE OF HEARING

COME NOW Plaintiffs Keith Fetsurka, Timothy Sieck, Nicolas Defina, Andrew Scott, and Firearms Policy Coalition, Inc., by and through their counsel, hereby respectfully request this Honorable Court continue the hearing on Plaintiffs’ Motion for Preliminary Injunction scheduled for December 22, 2020, and aver in support as follows:

1. Plaintiffs’ counsel have been in settlement negotiations with Defendants City of Philadelphia, Pennsylvania and Philadelphia Police Commissioner Danielle Outlaw’s (collectively “City Defendants”) counsel.

2. On December 3, 2020, counsel for the City Defendants provided Plaintiffs' counsel with a confidential settlement offer.
3. Plaintiffs responded later that day with a counter confidential settlement offer.
4. On December 7, 2020, counsel for all the Parties had a telephonic conference with Magistrate Judge Strawbridge to discuss settlement possibilities and how Magistrate Judge Strawbridge may be able to facilitate an agreement between the parties in order to obviate the need for a hearing on Plaintiffs' pending motion.
5. On December 11, 2020, counsel for the Parties again met with Magistrate Judge Strawbridge independently to discuss their position on settlement and terms which were objectionable based on the initial proposals.
6. On December 15, 2020 counsel for the Parties met and conferred amongst themselves to discuss terms of settlement, in particular, points of confusion as to proposed terms, terms which were disagreeable, and potential resolutions to those issues.
7. Parties met again with Magistrate Judge Strawbridge on December 17, 2020 to discuss the status of settlement negotiations.
8. During that call, both the City Defendants and Plaintiffs represented to Magistrate Judge Strawbridge that they believed their conversation earlier in the week was fruitful and that Plaintiffs were in the process of distilling down

the terms to written document to be circulated and edited between the parties in order to finalize a settlement agreement, which would obviate the need for any hearing on Plaintiffs' pending motion.

9. Plaintiffs' intend to provide City Defendants with their written proposal prior to the end of the day.

10. As Plaintiffs' motion is currently scheduled for Tuesday, December 22, 2020, it would require the Parties spend time preparing for an impending hearing rather than continuing to work towards a timely settlement as this Honorable Court had previously indicated was preferable.

11. Plaintiffs respectfully request that this Honorable Court continue the hearing on Plaintiffs' Motion for Preliminary Injunction to January 5, 2021 so that the Parties may focus on finalizing a settlement agreement which would obviate the need for such a hearing.

12. Counsel for the City Defendants were contacted and informed the undersigned that they do not oppose this motion.

13. Counsel for Col. Robert Evanchick was contacted and informed the undersigned that they would join in this motion for continuance.

WHEREFORE, Plaintiffs' respectfully request that this Honorable Court continue the hearing on their Motion for Preliminary Injunction to January 5, 2021.

Respectfully Submitted,

/s/ Adam Kraut

Adam Kraut, Esq.

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